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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,267	01/20/2006	Andrey B. Prozumenshchikov	074486-0013	7106

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

TUCKER, DANIEL P

ART UNIT	PAPER NUMBER
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4159

MAIL DATE	DELIVERY MODE
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09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,267	Applicant(s) PROZUMENSHCHIKOV, ANDREY B.	
	Examiner Daniel Tucker	Art Unit 4159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0178442 A1 (Thomson hereinafter) in view of US Patent No. 6,332,550 B1 (Bennett et al hereinafter).

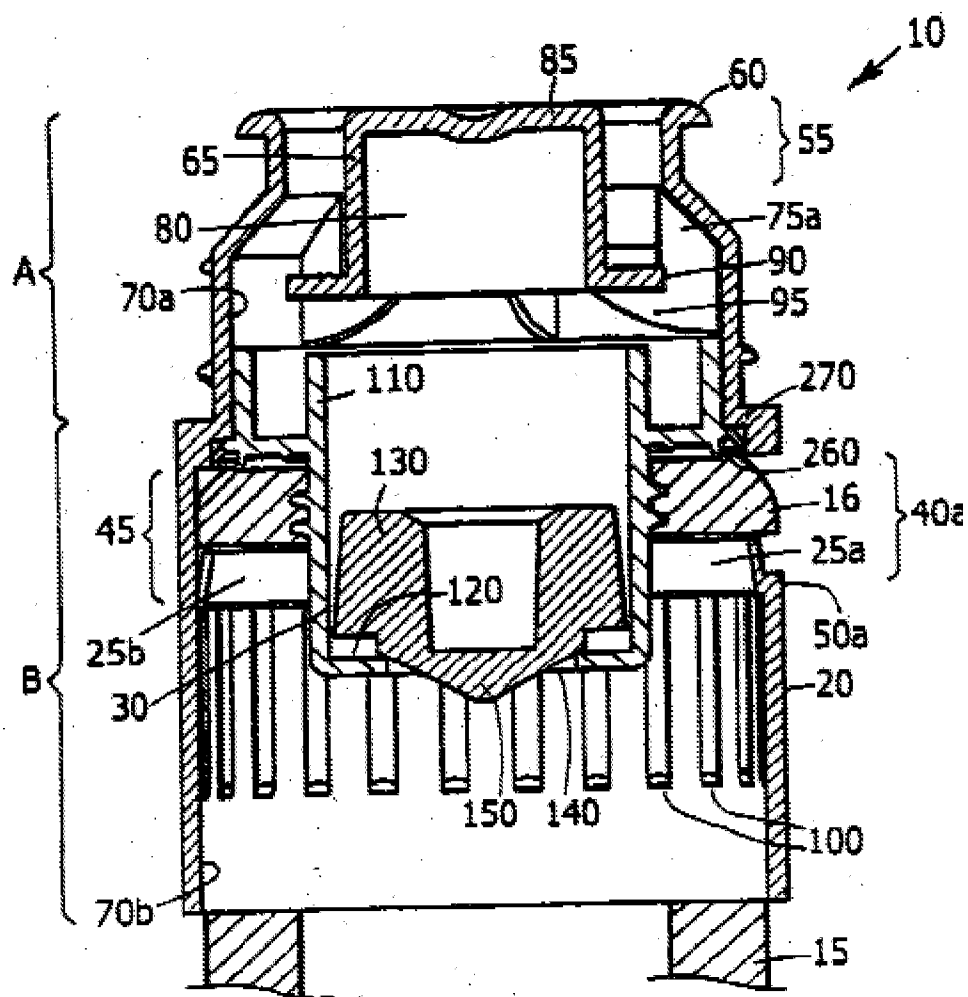


Fig. 1

Fig. 1 of US Patent Application Publication No. 2003/0178442 A1 (Thomson hereinafter)

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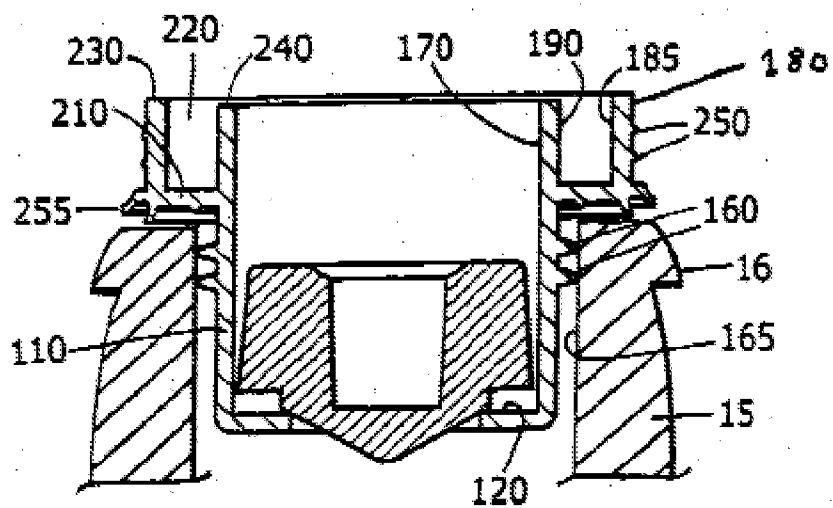


Fig. 2

Fig. 2 of Thomson

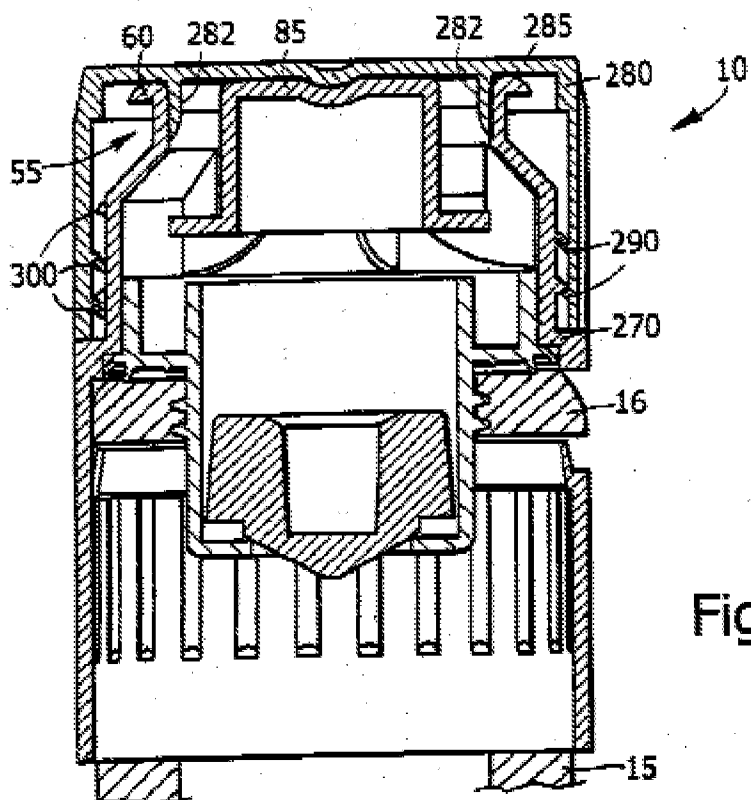


Fig. 3

Fig. 3 of Thomson

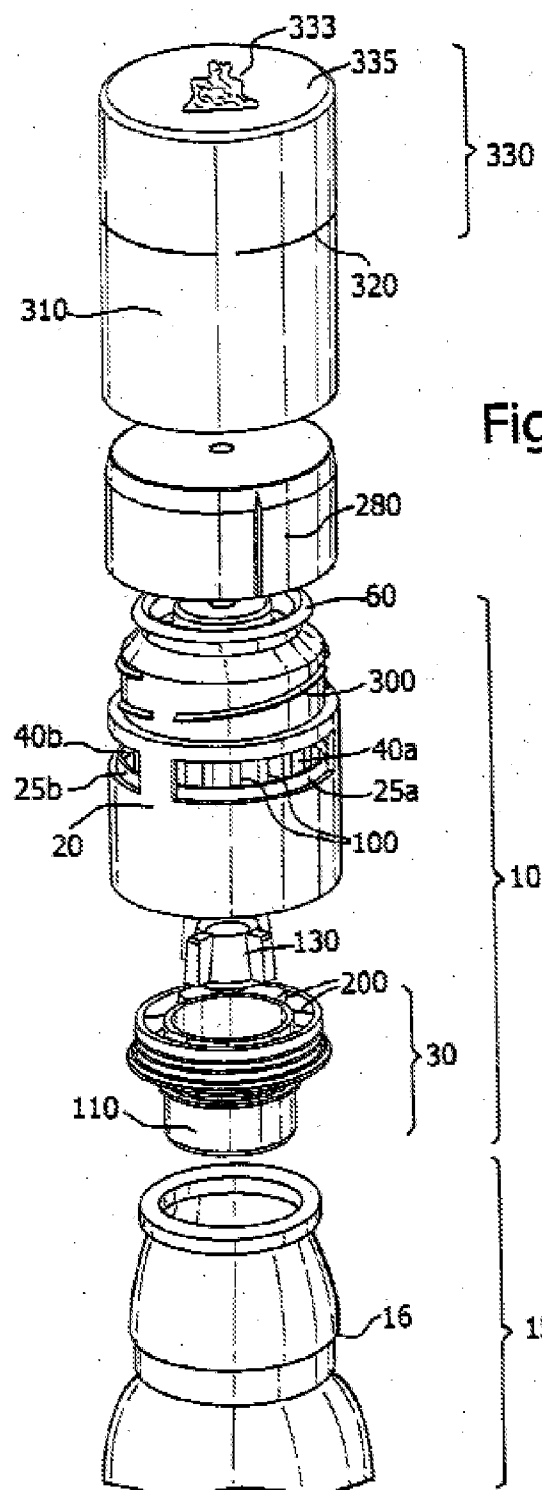


Fig.5

Fig. 5 of Thomson

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4. In re Claim 1, with reference to Fig. 1, Fig. 2, Fig. 3 and Fig. 5 of Thomson above, Thomson discloses:

A closure comprising:

- a discharge sleeve (10) with outer (20) and inner pipes (30) at its inlet end, a collar (portion A) with an external thread (300), raking props (95) and a plug (90) at its outlet end;
- an inner hood (280) with ~~splines on its side exterior surface~~ and a pouring tube (60) at its outlet end, said inner hood being threadedly engaged on the collar (portion A) of the discharge sleeve (10) thereby to allow its axial movement resulting from rotation,
- a removable gate installed on the exterior side surface of the inner pipe, said gate having sealing lips (160) on its exterior surface and a flange (210) on its outlet end, said flange being located between the inner (30) and the outer pipes (20),
- an outer hood (330) having a tamper-indicating means (320) at its outlet end, ~~splines on its interior side surface thereby to engage splines on the inner hood, and transverse projections to interact with the inlet end of the outer pipe of the discharge sleeve,~~
- said outer pipe (20) having longitudinal ribs (100) on its interior surface,
- said plug (90) being supported by raking props (95) and used to shut off the pouring tube (60), the wall of the discharge sleeve has windows (40a-c) therein, said windows being spaced evenly around the periphery of the wall of said

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discharge sleeve, and inwardly bent projections (25a-c) located under the said windows (40a-c), characterized in that the mating surfaces of the pouring tube (60) and the plug (95) are tapered, the tamper-indicating means (320) at the outlet end of the outer hood is made as a break-away member fixed on the end surface by means of at least three break-away strips (paragraph 94, lines 11-14), which are spaced evenly around the periphery of the interior surface of the end of the outer hood, or by means of a solid annular break-away strap located at the interior surface of the end of the outer hood, and the valve member (130) is made of a material which ensures its tight abutment to the seat of the removable gate (paragraph 0101, lines 7-8).

Thomson does not disclose that the inner hood has splines on its exterior surface and that the outer hood has splines on its inner surface and transverse projections.

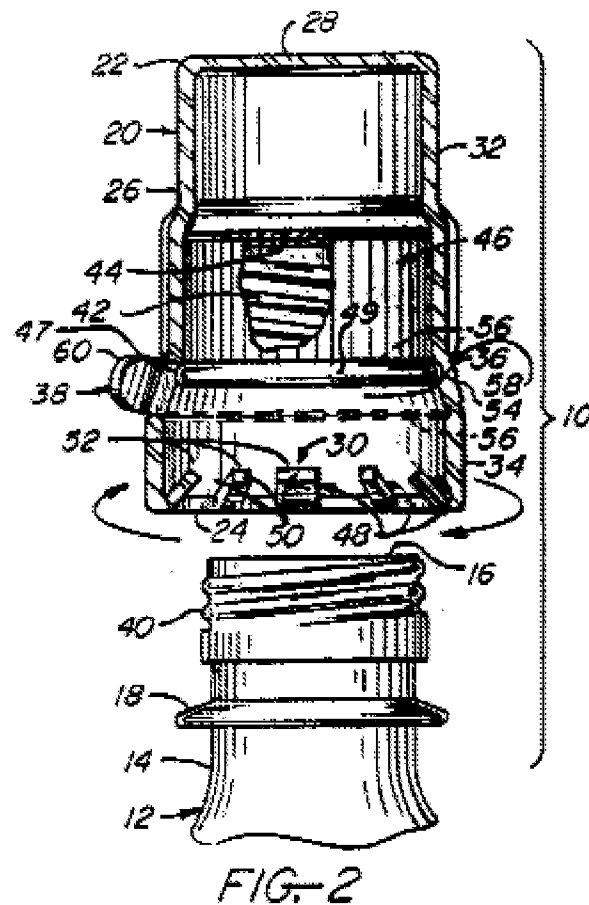


Fig. 2 of US Patent No. 6,332,550 B2 (Bennett et al. hereinafter)

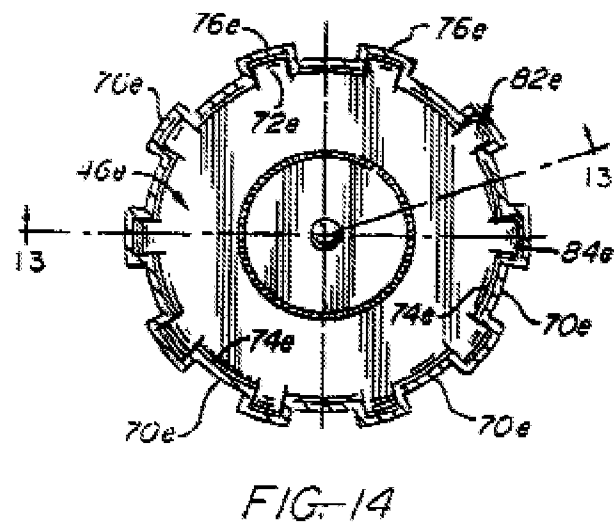


Fig. 14 of Bennett et al.

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5. However, with reference to Fig. 2 and Fig. 14 of Bennett et al. above, Bennett et al. discloses transverse projections (48) on the outer hood to interact with the inlet end of the outer pipe (18). Bennett et al. also discloses splines (84e) on the outer hood that engage splines (76e) on the inner hood.

6. Thus, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to have modified the inner hood and the outer of the device disclosed by Thomson to have splines as taught by Bennett et al. in order to achieve the predictable result of making the hoods engage one another. It also would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to have modified the outer hood of the device disclosed by Thomson to have transverse projections as taught by Bennett et al. in order to achieve the predictable result of enabling the outer hood to interact with the inlet end of the outer pipe.

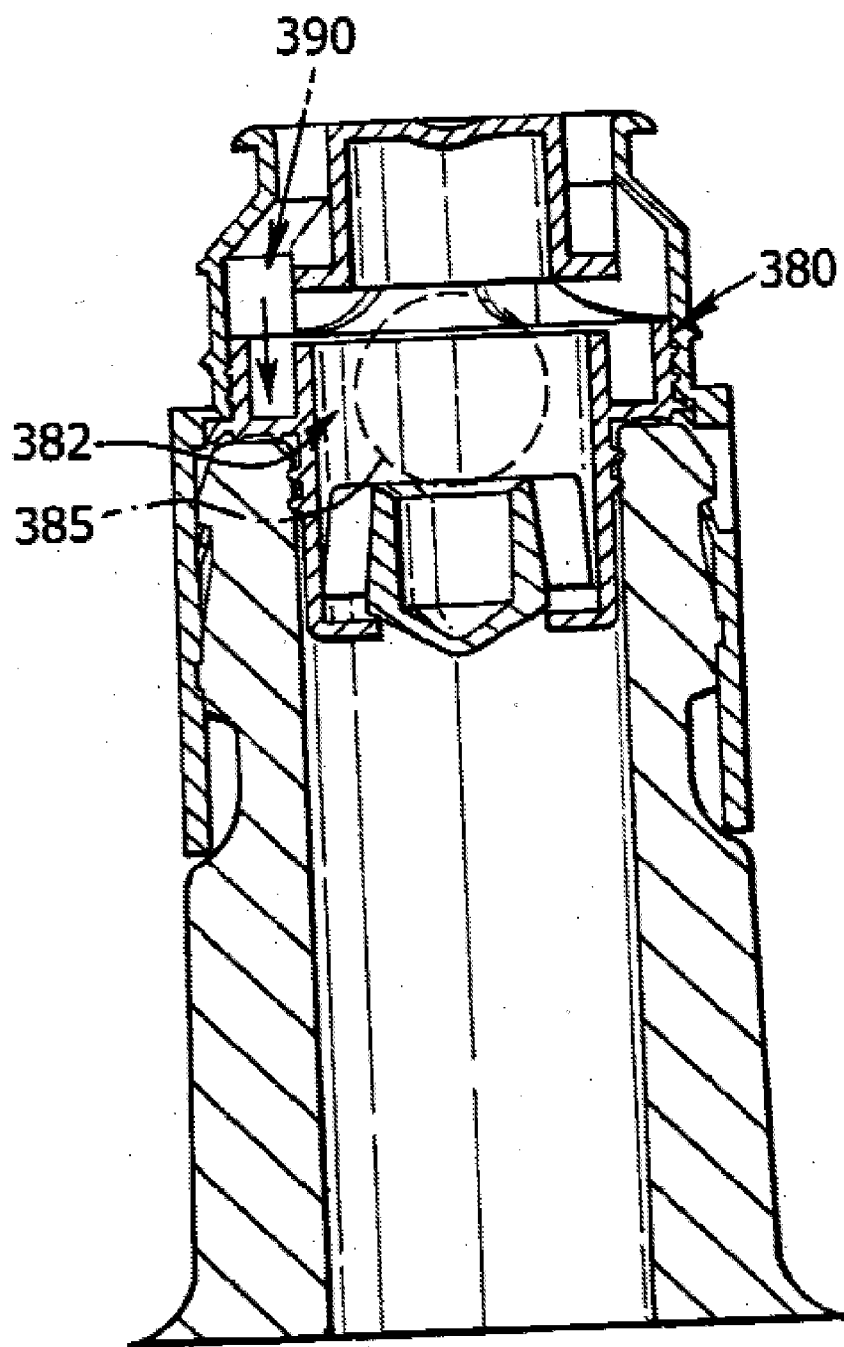


Fig.7

Fig. 7 of Thomson

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7. In re Claim 2, with reference to Fig. 7 of Thomson above, Thomson discloses that the ball (385) of the valve is made of e.g. glass, crystal, marble (paragraph 0103, line 2)

8. In re Claim 4, with reference to Fig. 1 of Thomson above, Thomson discloses that the longitudinal ribs (100) on the interior surface of the outer pipe (20) are separated or arranged in groups to interact with the mating surface of the bottleneck collar (paragraph 0078).

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson in view of Bennett et al. as applied to claims 1, 2, and 4 above, and further in view of US Patent No. 6,253,941 B1 (VanBrocklin et al. hereinafter).

10. In re Claim 3, with reference to Fig. 1, 3, and 5 of Thomson and Fig. 2 and 14 of Bennett et al. above, Thomson in view of Bennett et al. discloses the claimed invention except for a sealing gasket.

11. However, VanBrocklin et al. discloses a sealing gasket (col. 4, lines 45-49).

12. Thus, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to have modified the device disclosed by Thomson in view of Bennett et al. to have a sealing gasket as taught by VanBrocklin et al. in order to achieve the predictable result of enhancing the seal between the outer pipe and the inner pipe of the discharge sleeve.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,740,932 discloses a security closure for bottles.

US Patent No. 4,458,817 discloses a security closure for bottles. US Patent No. 4,497,415 discloses a closure for bottles. US Patent No. 4,382,520 discloses a non-refillable closure. US Patent No. 5,246,124 discloses a closure for bottles. US Patent No. 3,794,202 discloses a non-refillable closure for bottles. WIPO Publication No. 2004/089776 A1 discloses a closure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tucker whose telephone number is (571)270-5722. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571)272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/D. T./
Examiner, Art Unit 4159
/George Nguyen/
Supervisory Patent Examiner, Art Unit 4159